

comments (rebuttal briefs), which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish its final determination of this circumvention inquiry, including the results of its analysis of issues raised in any such written comments.

This preliminary negative determination of circumvention is in accordance with section 781(b) of the Tariff Act (19 U.S.C. 1677j(b)) and 19 C.F.R. 353.29(f).

September 13, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-23335 Filed 9-19-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-570-808]

Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of the Antidumping Duty Administrative Review of Chrome-Plated Lug Nuts from the People's Republic of China.

SUMMARY: On April 20, 1995, the Department of Commerce (the Department) published in the Federal Register the preliminary results of its 1991-1992 and 1992-1993 administrative reviews of the antidumping duty order on chrome-plated lug nuts (lug nuts) from the People's Republic of China (PRC) (60 FR 19720). These reviews cover shipments of this merchandise to the United States during the periods April 18, 1991, through August 31, 1992, and September 1, 1992, through August 31, 1993. We gave interested parties an opportunity to comment on our preliminary results. Based upon our analysis of the comments received we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: October 20, 1995.

FOR FURTHER INFORMATION CONTACT: Donald Little, Elisabeth Urfer, or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-4733.

Applicable Statute and Regulations

Unless otherwise stated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

SUPPLEMENTARY INFORMATION:

Background

The Department published in the Federal Register an antidumping duty order on lug nuts from the PRC on April 24, 1992 (57 FR 15052). On September 11, 1992, and September 7, 1993, the Department published in the Federal Register (57 FR 41725 and 58 FR 47116), respectively, notices of opportunity to request administrative reviews of the antidumping duty order on lug nuts from the PRC covering the periods April 18, 1991, through August 31, 1992, (91-92 review) and September 1, 1992, through August 31, 1993 (92-93 review).

For the 91-92 review, in accordance with 19 CFR 353.22(a)(1994), the petitioner, Consolidated International Automotive, Inc. (Consolidated), requested that we conduct an administrative review of China National Automotive Industry I/E Corp.; China National Machinery & Equipment Import and Export Corporation, Jiangsu Co., Ltd. (Jiangsu); Rudong Grease Gun Factory (Rudong); China National Automotive Industry Shanghai Automobile Import & Export Corp. (Shanghai Automobile); Chu Fong Metallic Industrial Corporation (Chu Fong); and San Chien Electric Industrial Works, Ltd. (San Chien). We published a notice of initiation of this antidumping duty administrative review on October 22, 1992 (57 FR 48201).

For the 92-93 review, in accordance with 19 CFR 353.22(a), Consolidated requested that we conduct an administrative review of China National Automotive Industry I/E Corp.; Jiangsu; China National Automobile Import and Export Corp., Yangzhou Branch (Yangzhou); Rudong; Ningbo Knives & Scissors Factory (Ningbo); Shanghai Automobile; and Tianjin Automotive Import and Export Co. (Tianjin). In accordance with 19 CFR 353.22(a), Krossdale Accessories, Inc. requested a review of its supplier, China National Machinery & Equipment Import & Export Corp., Nantong Branch (Nantong). We published a notice of initiation of this antidumping duty

administrative review on October 18, 1993 (58 FR 53710).

On April 20, 1995, the Department published in the Federal Register the preliminary results of its 1991-1992 and 1992-1993 administrative reviews of the antidumping duty order on lug nuts from the PRC (60 FR 19720). There was no request for a hearing. The Department has now conducted these reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

On April 19, 1994, the Department issued its "Final Scope Clarifications on Chrome-Plated Lug Nuts from Taiwan and the PRC." The scope, as clarified, is described in the subsequent paragraph. All lug nuts covered by these reviews conform to the April 19, 1994, scope clarification.

Imports covered by these reviews are one-piece and two-piece chrome-plated lug nuts, finished or unfinished. The subject merchandise includes chrome-plated lug nuts, finished or unfinished, which are more than 11/16 inches (17.45 millimeters) in height and which have a hexagonal (hx) size of at least 3/4 inches (19.05 millimeters) but not over one inch (25.4 millimeters), plus or minus 1/16 of an inch (1.59 millimeters). The term "unfinished" refers to unplated and/or unassembled chrome-plated lug nuts. The subject merchandise is used for securing wheels to cars, vans, trucks, utility vehicles, and trailers. Zinc-plated lug nuts, finished or unfinished, and stainless-steel capped lug nuts are not included in the scope of this review. Chrome-plated lock nuts are also not subject to this review.

Chrome-plated lug nuts are currently classified under subheading 7318.16.00.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

These reviews cover the periods April 18, 1991, through August 31, 1992, and September 1, 1992, through August 31, 1993. The 91-92 review covers six producers/exporters of Chinese lug nuts. The 92-93 review covers eight producers/exporters of Chinese lug nuts.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received a case brief from petitioner, and a rebuttal brief from respondents, Rudong and Nantong.

Comment 1: Petitioner concurs with the Department's decision to use best

information available (BIA) with respect to Rudong and the non-responding firms. Petitioner asserts that for the 91–92 review, the response by Rudong was incomplete with regard to factor information on packing costs, that the Department treated Rudong as a non-shipper, and that the Department applied BIA due to Rudong's incomplete response to the Department's questionnaire.

Petitioner states that for the 92–93 review, of the seven firms that were potential respondents, the Department again determined that one firm, Rudong, had responded to the Department's requests for information, but had reported no direct exports to the United States. Petitioner contends that, as in 91–92 review, Rudong provided deficient factor information, and that the Department correctly used BIA to apply the PRC rate of 45.41 percent. Petitioner argues that the remaining six companies did not respond to the Department's questionnaires and received either a PRC or company-specific rate based on the highest rate ever calculated in either the investigation of sales at less-than-fair-value (LTFV) or the previous review, 45.41 percent. Petitioner notes that Jiangsu, which had previously been investigated, received a company-specific rate. Petitioner states that the named exporter in the 92–93 review, Nantong, responded to the questionnaire and received a separate rate; however, the company-specific rate and the PRC rate are identical.

Rudong and Nantong disagree with petitioner's positions that it is appropriate to use BIA with respect to Rudong and Nantong, and they disagree that the Department correctly applied the factors of production methodology in these reviews. They argue that Rudong was fully responsive to the Department's requests for information, and, contrary to petitioner's claims, provided full factors of production information. They maintain that the reported factors data, and not BIA or other factors data used for the preliminary results, should be used by the Department for the final results of these proceedings.

Rudong and Nantong disagree with the Department and the petitioner's claims that Rudong did not provide proper information on packing costs. They state that Rudong provided packing data in its August 3, 1994 submission. Rudong and Nantong maintain that the Department erred in its assessment that Rudong did not provide factor information for transporting steel wire rod. They further maintain the Department should use the

surrogate information contained in the Indian publication *Steel Scenario* which they submitted, rather than Indian import statistics, to value steel.

Department's Position: We disagree with both petitioner and respondent, in part. During the 91–92 review Rudong did not export lug nuts to the United States; therefore, we treated Rudong as a non-shipper and applied the PRC rate of 42.42 percent, the highest rate for any firm in the LTFV investigation. We did not apply BIA to Rudong. For the remaining five companies, none of which responded to our requests for information, we applied a BIA rate of 42.42 percent. In deciding what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party refused to provide requested information. Thus, the Department determines on a case-by-case basis what is BIA. When a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's review, the Department will normally assign to that company the higher of (1) The highest rate for any firm in the investigation or prior administrative reviews of sales of subject merchandise from that same country; or (2) the highest rate found in the review for any firm. When a company has cooperated with the Department's request for information but fails to provide the information requested in a timely manner or in the form required, the Department will normally assign to that company the higher of either: (1) The highest margin calculated for that company in any previous review or the original investigation; or (2) the highest calculated margin for any respondent that supplied an adequate response for the current review. (See *Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order: Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From France, et. al.* (58 FR 39729, (July 26, 1993).) Therefore, we applied as BIA to the firms which did not respond to our questionnaire a PRC rate based on BIA which was the highest rate for any firm in the investigation, or the 91–92 review.

During the 92–93 review, we calculated a rate for Nantong, the only exporter that submitted a questionnaire response. Since Rudong produced the merchandise sold by Nantong, we compared Nantong's United States price with Rudong's foreign market value (FMV). We calculated FMV based on Rudong's factors of production. Rudong generally complied with our requests for

information; however, Rudong did not report the amount of the steel input purchased from each supplier and packing weights. While Rudong did provide the information we requested with regard to types of materials used in packing, Rudong did not provide kilogram weights of packing materials, which we needed to value the input materials. The questionnaire specifically asks respondents to prove actual material usage, and requests specifically that respondents provide the method of allocating packing costs for each unit of the subject merchandise. (See *Letter, with Attachment, from Bernard Carreau to Lu Dong Grease Gun Factory*, dated March 4, 1994). Because Rudong did not provide this information, as BIA, we applied a rate of one percent of the cost of production to determine packing costs. This percentage was used in the *Final Determination of Sales at Less than Fair Value: Tapered Roller Bearings from Italy* (52 FR 24198, June 29, 1987). This methodology is consistent with the Department's valuation of packing in the *Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings from the People's Republic of China* (56 FR 67590, December 31, 1991). We also applied partial BIA in calculating transportation costs between the factory and its steel suppliers, because, while Rudong provided distances from its suppliers, it did not provide the percentage purchased from each. Without such information we could not allocate purchases to specific suppliers. In our supplemental questionnaire we specifically asked Rudong to supply the quantity supplied for each input in those instances where there was more than one supplier of the input. (See *Letter from Bernard Carreau to Jiangsu Rudong Grease Gun Factory*, dated July 12, 1994.) As BIA, we used the longest distance between the factory and any of its suppliers of steel.

We disagree with Rudong and Nantong with regard to which source we should use to value steel. Rudong stated in its supplemental questionnaire response that it uses international standard steel #1010, which is a low carbon steel with a carbon content of .08 to .13 percent. The Indian import statistics are more specific in that they indicate the carbon content of the steel. The HTS category we used, 7213.39, "other bars & rods by weight less than .25 percent carbon," covers the low carbon steel used by Rudong to produce lug nuts. By contrast, *Steel Scenario* does not specify either the carbon content of the steel or other chemicals present in the steel. In addition, *Steel*

Scenario prices include taxes and levies, without indicating the amount of taxes and levies included. Therefore, since the Indian import statistics are more specific to the type of steel used in the production of lug nuts, we have continued to use them for these final results.

Because it did not export during the 92–93 period of review we treated Rudong as a nonshipper. We applied BIA to the companies that did not respond to our requests for information. Because the rate calculated for Nantong was the highest rate in this or any other review, or from the investigation of sales at LTFV, the calculated rate for Nantong and the PRC rate are identical. Petitioner correctly notes that we determined that Nantong received a separate rate. However, we disagree that it is appropriate to continue assigning a separate rate to Jiangsu. The test to determine whether to treat an entity as separate from the state was established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* (56 FR 20588, May 6, 1991) and was amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* (59 FR 22585, May 2, 1994). Under this policy, exporters in non-market

economies are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law and in fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four factors: (1) Whether each exporter sets its own export prices independently of the government and without the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and (4) whether each exporter has autonomy from the government regarding the selection of management. While Jiangsu did receive a separate rate under our old test, because Jiangsu did not respond to our request for information in this review,

we were unable to determine whether it is appropriate to assign Jiangsu a separate rate under the current test.

Comment 2: Petitioner contends that the finding that Nantong is entitled to a separate rate does not equate to finding that the Chinese industry is market-oriented. Petitioner argues that Nantong is but one member of an industry that has been unresponsive to the Department's requests for information.

Department's Position: We agree with petitioner that a finding that an entity is entitled to a separate rate does not equate to a finding that the industry is market oriented; however, in neither the 91–92 review nor the 92–93 review did any party make a claim that the Chinese lug nut industry is a market-oriented industry.

Comment 3: Rudong and Nantong contend that there is a mathematical error in the calculation of the surrogate value for steel based on the Indian import statistics.

Department's Position: We agree and have changed our calculation accordingly.

Final Results of Reviews

As a result of the comments received, we have changed the results from those presented in our preliminary results of review:

| Manufacturer/exporter | Time period | Margin (percent) |
|--|-------------------|------------------|
| China National Machinery & Equipment Import & Export Corp., Nantong Branch | 09/01/92–08/31/93 | 44.99 |
| PRC Rate | 04/18/91–08/31/92 | 42.42 |
| | 09/01/92–08/31/93 | 44.99 |

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and FMV may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of these administrative reviews for all shipments of lug nuts from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) For Nantong, which has a separate rate, the cash deposit rate will be the company-specific rate published for the most recent (1992–1993) period; (2) for Jiangsu, which was previously investigated and given a separate rate, but did not respond to our request for information to determine whether it still

qualified for a separate rate under our current test, the cash deposit rate, which is based on BIA, will be the PRC rate published for the most recent (1992–1993) period; (3) for the companies named above which did not respond to our questionnaire (China National Automotive Industry I/E Corp., Yangzhou, Ningbo, Shanghai Automobile, San Chien, Chu Fong and Tianjin) and for all other PRC exporters, the cash deposit rate will be the PRC rate for the most recent (1992–1993) period; (4) for Rudong, which was a nonshipper and has not been found eligible for a separate rate, the cash deposit rate will be the PRC rate for the most recent (1992–1993) period; and (5) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: September 13, 1995.

Susan G. Esserman,
Assistant Secretary for Import Administration.

[FR Doc. 95-23334 Filed 9-19-95; 8:45 am]

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[A-485-804, A-791-803]

Notice of Postponement of Preliminary Determinations: Antidumping Duty Investigations of Circular Welded Non-Alloy Steel Pipe From Romania and South Africa

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: John Beck or Jennifer Stagner, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-3464 or (202) 482-1673, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

SUMMARY: The Department of Commerce (the Department) is postponing its preliminary determinations in the antidumping duty investigations of circular welded non-alloy steel pipe from Romania and South Africa. The deadline for issuing these preliminary determinations is now no later than November 15, 1995.

SUPPLEMENTARY INFORMATION: On May 16, 1995, the Department initiated antidumping duty investigations of circular welded non-alloy steel pipe from Romania and South Africa (60 FR 27078, May 22, 1995). The notice stated that we would issue our preliminary determinations on October 5, 1995.

On June 12, 1995, the U.S. International Trade Commission determined that there was a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of circular welded non-alloy steel pipe from Romania and South Africa.

Postponement of Preliminary Determination

We have determined that the investigations are extraordinarily complicated within the meaning of section 733(c)(1)(B)(i) of the Act. Given the non-market economy status of Romania, the nature of government ownership of the participating companies raises novel issues which must be further examined. In addition, establishing surrogate values for the factors of production is complex and will require additional time.

For South Africa, we find that additional time is necessary to make the preliminary determination due to the novelty of issues presented in this case. The questionnaire used in this investigation was significantly revised to reflect the changes mandated by the URAA. Since issuing this questionnaire to the respondents, we have discovered that it contains certain ambiguities. Accordingly, we need additional time to issue clarified questions to the respondents, to allow them to submit responses, and to incorporate this information into our analysis for purposes of the preliminary determination.

Furthermore, we have determined that the parties concerned are cooperating, as required by section 733(c)(1)(B)(i) of the Act, and that additional time is necessary to make these preliminary determinations in accordance with section 733(c)(1)(B)(ii) of the Act.

For these reasons, the deadline for issuing these determinations is now no later than November 15, 1995.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated September 14, 1995.

Barbara R. Stafford,
Deputy Assistant Secretary for Investigations, Import Administration.

[FR Doc. 95-23336 Filed 9-19-95; 8:45 am]

BILLING CODE 3510-DS-P

Determination Not to Revoke Antidumping Duty Orders and Findings Nor to Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Determination Not to Revoke Antidumping Duty Orders and Findings Nor to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the

antidumping duty orders and findings nor to terminate the suspended investigations listed below.

EFFECTIVE DATE: September 20, 1995.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482-4737.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR § 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on August 1, 1995, we published in the Federal Register a notice of intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations and served written notice of the intent to each domestic interested party on the Department's service list in each case. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations. Therefore, because domestic interested parties objected to our intent to revoke or terminate, we no longer intend to revoke these antidumping duty orders and findings or to terminate the suspended investigations.

Antidumping Proceeding

A-427-009

France
Industrial Nitrocellulose
Objection Date: August 23, 1995
Objector: Aqualon Division, Hercules Incorporated
Contact: David Dirstine at (202) 482-4033

A-588-055

Japan
Acrylic Sheet
Objection Date: August 22, 1995
Objector: ICI Acrylics Inc.
Contact: Karen Park at (202) 482-3518